

KANSAS STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND TITLE SERVICES
REPORT OF COMPLAINT
FILED AGAINST
UNIFIED SCHOOL DISTRICT #204, BONNER SPRINGS-EDWARDSVILLE PUBLIC SCHOOLS
ON JUNE 12, 2025
DATE OF REPORT: JULY 8, 2025

This report is in response to a complaint filed with the Kansas State Department of Education against USD #204 (Bonner Springs-Edwardsville Public Schools) on behalf of ----- by her father -----. In the remainder of the report, ---- will be referred to as “the student” and ---- as “the father” or “the complainant”. The student’s mother is ----- and will be referred to as “the mother”.

The complaint is against USD #204 (Bonner Springs-Edwardsville Public Schools). In the remainder of the report, USD #204 will be referred to as “the district”. The student attended McDaniel Preschool during the 2024-2025 school year which will be referred to as “the preschool” in the remainder of the report. An independent Social/Emotional evaluation was conducted by Integrated Behavioral Technologies, Inc (IBT) and will be referred to as “independent evaluation” in the remainder of the report. Families Together is mentioned and will be referred to as an outside service provider in the remainder of the report. The Wyandotte Comprehensive Special Education Cooperative provides special education support for the district; however, Bonner Springs-Edwardsville Public Schools remains the agency responsible for the student’s educational services. In the remainder of the report, the Wyandotte Comprehensive Special Education Cooperative will be referred to as “the coop.” School and district staff will be referred to In the remainder of this report as follows:

- Dr. Ja’Kyta Lawrie, cooperative director
- Rebecca Lambert, special education coordinator
- Michelle Clary, principal
- Cherice Woolf, special education teacher/case manager
- Rylee Birkes, social worker

The Kansas State Department of Education (KSDE) allows for a 30-day timeline to investigate a complaint from the date in which it was filed. A complaint is considered filed on the date in which it was received by KSDE. In this case, the KSDE initially received the complaint on June 12, 2025.

Evidence Reviewed

USD #204 made the following staff available for interviews on June 30, 2025 as part of this investigation.

- Rebecca Lambert, special education coordinator
- Michelle Clary, principal
- Cherice Woolf, special education teacher/case manager

During the investigation, the Complaint Investigator, Dr. Nikki Crawford, reviewed all evidence and documentation provided by the district and the parent. Additionally, the complaint investigator contacted the father, cooperative director, special education coordinator, principal and special education teacher on June 12, 16, 17, 18, 20, 23, 24, 25, 26, 27, 30, July 1, and 2, 2025 by phone and email to clarify evidence and documentation.

In completing this investigation, the complaint investigator reviewed documentation provided by the complainant and district. Although additional documentation was provided and reviewed, the following materials were used as the basis of the findings and conclusions of the investigation:

1. Court ordered Joint Parenting Plan for student's mother and father, no date
2. Student's birth certificate, dated May 19, 2020
3. Initial evaluation report dated March 26, 2024
4. Initial IEP dated March 26, 2024
5. Parent portal message from the teacher to the father on September 11, 2024 to schedule the spring 2025 IEP which was seen by the father, but not replied to
6. Independent social/emotional evaluation report dated October 11, 2024
7. IEP dated March 14, 2025
8. Parent portal message from the father to the teacher notifying her of upcoming student absences. This message includes the father's email and phone number, sent April 17, 2025
9. District reevaluation report conducted May 14, 2025
10. IEP amendment dated May 14, 2025
11. Student's 2024-2025 report card, dated May 23, 2025
12. Email from special education teacher to the mother including student's report card and progress report which was then forwarded to the father, by the mother on June 3, 2025
13. Email from the father to the special education coordinator noting difficulty accessing the parent portal and requesting IEP documents, dated June 6, 2025.
14. Email response from the special education coordinator to the father with requested IEP documents, sent June 9, 2025 at 11:46 a.m.
15. Email from the father to special education coordinator noting his status as a joint legal custodian, sent June 9, 2025 at 12:06 p.m.
16. Email from the father to special education coordinator sharing observations related to the student's transition behaviors, sent June 9, 2025 at 12:21 p.m.
17. Progress Report for the 2024-2025 IEP year, dated June 9, 2025

18. Progress Report for the 2025-2026 IEP year, dated June 9, 2025
19. Email from the father to the cooperative director noting the lack of communication from the school related to his child's IEP and his inability to log into the parent portal, sent June 10, 2025
20. Email from the father to the special education teacher sharing his difficulty accessing the parent portal and lack of inclusion in IEP related meetings, sent June 10, 2025
21. Email response from the special education coordinator to the father, sent June 11, 2025 at 7:12 a.m.
22. Email response from the father to special education coordinator noting lack of access to the parent portal and missed invitations to IEP related meetings, sent June 11, 2025 at 8:51 a.m.
23. Email response from the special education coordinator asking the father to contact the school office in August to gain access to the parent portal and the coordinator's plans to ensure the student's case manager is aware that communications and meeting invites should also be sent to the father, sent June 11, 2025 at 9:15 a.m.
24. Email from the father to the principal on June 12, 2025 including concerns related to lack of input and parent portal access
25. Email reply from the principal to the father on June 14, 2025 at 8:30 a.m. offering a meeting to address the father's concerns
26. Email reply from the father to the principal on June 14, 2025 at 6:34 p.m. with meeting times
27. Email from the principal to the father on June 16, 2025 at 11:16 a.m. offering an explanation for his lack of parent portal access and directions on how to regain access when school begins in the fall
28. Reply from the father to the principal on June 16, 2025 at 1:55 p.m. confirming meeting time
29. Email from the father to the investigator adding concerns to the original complaint, on June 16, 2025 at 3:43 p.m.
30. Email exchanges between the father and the investigator on June 17, 2025 clarifying the issues to be investigated
31. Email from father to special education coordinator stating that he does not want to meet to discuss resolution of the complaints but would rather have the investigation proceed, sent June 18, 2025 at 9:12 a.m.
32. Email reply from the special education coordinator to the father emphasizing KSDE's encouragement to resolve the complaint issues if possible, sent June 18, 2025 at 10:55 a.m.
33. Email reply from the father to the special education coordinator confirming that he is not willing to meet, sent June 18, 2025 at 11:39 a.m.
34. Phone call between the special education coordinator and investigator on June 23, 2025.

35. Email exchange between the investigator and father on June 27, 2025.
36. Email from father to investigator with screenshot of parent portal exchange with the special education teacher on April 29, 2025, sent June 29, 2025
37. Interview with the special education coordinator on June 30, 2025
38. Interview with the principal and special education teacher on June 30, 2025
39. Lesson plan example for the 2024-2025 school year shared by the special education teacher
40. Data sheet used to collect data for the student's IEP transition goal, no date
41. Email with exchange with special education coordinator July 1, 2025 attempting to identify when the district was in possession of the independent evaluation
42. Email exchange with the special education coordinator July 2, 2025 confirming that the independent evaluation report was never loaded into the IEP document management system and that the social worker obtained consent for the reevaluation on March 13, 2025

Background Information

The subject of this complaint is a 5 year old student who recently completed preschool and will enroll in kindergarten for the 2025-2026 school year. The student's parents do not live in the same home but share legal custody and the student spends time in each parent's home. The student qualified for special education services in March 2024 under the exceptionality of Developmental Delay. Since the student initially qualified for services there have been two additional evaluations; an independent evaluation on October 11, 2024 resulting in additional diagnoses of Autism Spectrum Disorder (AHD) and Attention Deficit Hyperactivity Disorder (ADHD), combined presentation and a district reevaluation, report dated May 14, 2025.

The current IEP amendment dated May 14, 2025 includes four goals; speech/language, transitioning, number identification, and letter identification including upper and lower case.

- The special education services for the 2024-2025 IEP year included:
 - 180 minutes in the special education classroom, 2 days per week for social/emotional, math and literacy goals
 - 160 minutes in the special education classroom, 2 days per week for social/emotional, math and literacy goals
- Special education services for the 2025-2026 IEP year include:
 - 30 minutes of direct services in a regular education classroom, 5 days per week for social/emotional, math and literacy goals
 - 60 minutes of direct services outside of a regular education classroom, 5 days per week for social/emotional, math and literacy goals
- Related services for the 2024-2025 IEP year included:

- 20 minutes in the special education classroom, 1 day per week for speech/language goals
- 20 minutes of direct services outside of a regular education classroom, 1 day per week for speech/language goals
- Related services for the 2025-2026 IEP year include:
 - 20 minutes of direct services outside of a regular education classroom, 2 days per week for speech/language goals
- Amended related services for the 2024-2025 and 2025-2026 IEP years:
 - 20 minutes of direct services outside of a regular education classroom, 1 day per week

Program Modifications, Accommodations, and Supplementary Aids and Services listed in the May 14, 2025 IEP include:

1. Access to headphones
2. Access to a choice of learned calm-down strategies
3. Access to first/then statements and/or visuals
4. Access to social stories and visuals for new and un-preferred activities
5. Use of verbal praise paired with reinforcement
6. Use of verbal redirections during classroom and therapy activities
7. Use of visual/picture supports to aide in the understanding and expression of language skills

Issues Investigated

Based on the written complaint and an interview with the complainant, four concerns which fall under IDEA regulations were identified and investigated.

Issue One

Did USD #204 deny the father his rights to be a member of any decision making team for his child, including eligibility, initial evaluation, reevaluation, development and amendment of an individualized education program (IEP) for the provision of a free appropriate public education (FAPE)?

Applicable Law

Federal regulations at CFR 300.300 Parental Consent. (a) Parental consent for initial evaluation; (b) Parental consent for services; and (c) Parental consent for reevaluations address the specific requirements to engage parents fully in the IEP process. Additionally, K.A.R. 91-40-25 states that parents have an opportunity to examine records and participate in meetings. (a) Each agency shall allow the parents of an exceptional child an opportunity to inspect and review all education records and participate in any meeting concerning their child with respect

to the following: (1) The identification, evaluation, or education placement of the child; and (2) the provision of FAPE to the child.

Parent Position

The father's formal complaint alleges a number of ways the district excluded him from contributing to educational decision making for his child which included the lack of notification for IEP meetings, lack of PWNs, lack of notification for changes in services, lack of progress reports, and apparent revocation of his parent portal access. He states, "...the IEP paperwork suggests that the district treated [the student] as having only one educational decision-maker..."

District Position

The district response dated June 25, 2025 states, "Upon reviewing information for this complaint, it was discovered that in the student's enrollment file with [the district], the birth certificate does not list [the father] as a parent. The district is not aware of, or [has] access to any other legal document indicating [the father] as a legal guardian for the student".

Analysis: Findings of Fact

The following finding of facts is based upon a review of the documentation noted previously and interviews with all parties.

1. The court ordered Joint Parenting Plan states the student's parents have, "Joint Legal Custody [which] means that both parents have equal rights to participate in, contribute to, and have responsibility for their child's health, education, and general welfare in their child's best interests".
2. The father's name is listed as an educational decision maker on the initial IEP dated March 26, 2024, but his contact information is not included.
3. The teacher sent a message via the parent portal to the father on September 11, 2024 to schedule the spring 2025 IEP which was seen by the father, but not replied to
4. The May 14, 2025 reevaluation report mentions the father, "[The student] goes to [their] dad's house on Friday nights and alternates every other weekend".
5. The father sent a message to the special education teacher via the parent portal about the student's upcoming absences and included his email address and phone number on April 17, 2025.
6. The father sent an email to the special education coordinator noting difficulty accessing the parent portal and requesting IEP documents, dated June 6, 2025.
7. The special education coordinator responded to the father with the requested IEP documents, sent June 9, 2025 at 11:46 a.m.
8. The father sent an email to the special education coordinator, noting for the first time his status as a joint legal custodian, sent June 9, 2025 at 12:06 p.m.

9. Email from the father to the cooperative director noting the lack of communication from the school related to his child's IEP and his inability to log into the parent portal, sent June 10, 2025
10. Email from the father to the special education teacher sharing his difficulty accessing the parent portal and lack of inclusion in IEP related meetings, sent June 10, 2025
11. The special education coordinator responded asking the father to contact the school office in August to gain access to the parent portal and the coordinator's commitment to ensure the student's case manager is aware that communications and meeting invites should also be sent to the father, sent June 11, 2025 at 9:15 a.m.
12. Email from the principal to the father on June 16, 2025 at 11:16 a.m. offering an explanation for his lack of parent portal access (due to a change in portal versions) and directions on how to regain access when school begins in the fall.
13. In a June 16, 2025 interview with the father he shared that he was notified of the initial IEP meeting (March 26, 2024) but couldn't attend due to work.
14. An email from father to the investigator on June 17, 2025 lists several of his concerns related to lack of representation at the IEP meetings including notes reflecting the student's emotional difficulty transitioning into his care and the IEP team's suggestion that the student experienced academic and behavioral regression due to the student's absence while in the father's care.
15. In a phone conversation with the special education coordinator on June 23, 2025 she reported that although the father's name was included in the student's district preschool registration his contact information was not included, his name did not appear on the student's birth certificate and the district had no legal documentation that the father was one of the student's legal guardians.
16. The district's June 25, 2025 response stated, "The teacher did send a message in September 2024 via district app regarding scheduling of the annual IEP meeting. Records show that [the father] did see the message but did not reply. [The father's] first and only contact with the teacher was the April 2025 message which is also when we learned of his contact information".
17. In an email exchange between the father and the investigator on June 27, 2025, the father wrote, "I did not personally deliver the Joint Parenting Plan to the school. However, I am listed as [the student's] father on her IEP, and the district included behavioral analysis describing difficulties [they] experienced during transitions to my home."
18. In the special education teacher interview on June 30, 2025 the teacher noted that she shared a QR code with the mother on back to school night that gave parents access to the parent portal. The mother offered to share the code with the father. When the teacher noticed the father had gained access to the parent portal the teacher assumed there had been communication between the parents. Additionally

the teacher stated, "mom provided dad's name and said that she would pass information on to him."

19. The teacher also shared that through the parent portal dad was asked about an early spring IEP (2/20/25) meeting date, viewed the message, but didn't reply. When asked why the father hadn't been invited to the March 2025 IEP meeting the teacher replied, "I hadn't received any communication from him and I had gotten great communication from mom and only needed one parent to agree to the meeting".
20. In the principal interview on June 30, 2025 she shared, "In Skyward [the student information system] there was not a different phone number or address listed for the father, typically when information is listed like that it is assumed people live at the same address".

Conclusion

There seems to be confusion on the district's part between their obligation to provide notice to each parent and their obligation to gain consent from one parent. IDEA 34 C.F.R. § 300.300 requires informed consent from one parent for evaluation, initial services, and reevaluation. However, the Kansas Special Education Handbook states, "If parents are divorced, regardless of which parent has primary custody, the school must provide Prior Written Notice of any special education action to both parents, even if only one parent has the right to consent, unless a court order precludes this from happening. This applies to all special education notice requirements including notice of an IEP meeting. If the school is only aware of one parent's address, the school must make reasonable efforts to locate the other parent in order to provide notice. However, consent from one parent is sufficient. In the event that the school receives consent forms from both parents, with one parent providing consent for the action and the other denying consent, the school is deemed to have received consent and must fulfill its obligation to provide FAPE to the student. The parent who denies consent has the right to request mediation or file for due process." (p. 3).

Although the student's parents were never married and thus not divorced, the father meets the definition of a parent as noted in K.S.A. 72-3404. Definitions. (m) "Parent" means: (1) A natural parent; (2) an adoptive parent; (3) a person acting as parent; (4) a legal guardian; (5) an education advocate; or (6) a foster parent, if the foster parent has been appointed the education advocate of an exceptional child. Additionally the father was treated as a parent by the district on a number of occasions as evidenced by:

- the father's name is listed as a parent on the initial March 2024 IEP,
- an IEP scheduling question sent through the parent portal,
- mentions of him in IEP team minutes, and
- the sharing of IEP information upon the father's request in June 2025.

It is noted that the district quickly shared the IEP related information when the father sent a request. It is also noted that the district had an easy working relationship with the mother who

offered to share information with the father and also that the father read, but did not respond to, a parent portal message, nonetheless, the district had an obligation to notify the father about IDEA related issues and actions.

Parent participation is foundational to IDEA and the district has the power to set the tone for parent partnerships which can be a powerful influence on a student's educational success. Research supports early intervention for students who have disabilities and the role of the family as partners in this work, should not be taken lightly. The investigator strongly suggests a policy and procedure review of student intake and registration in regards to gathering information about the family structure to ensure all parents are listed, including full contact information for each. The investigator also encourages the father to consider that he may well have a relationship with this district for many years to come and that focusing on building positive relationships with teachers and administrators can help clarify the sometimes confusing and overwhelming IDEA landscape.

In this case, the district failed to notify the father of all IEP related actions and issues as required by K.A.R. 91-40-25 which denied him of his right to be an active member of the IEP team.

Based on the foregoing, The district is *OUT of compliance* for Issue One, and corrective actions are required.

Issue Two

Did USD #204 fail to amend the student's most recent IEP considering the student's ASD and ADHD diagnoses?

Applicable Law

Federal regulations at 300.324(b)(ii)(B) state that in the public agency must (ii) Revise the IEP, as appropriate, to address (B) The results of any reevaluation conducted under §300.303;

Parent Position

In a June 16, 2025 email, the parent stated, “[the student] was formally diagnosed in October 2024 with Autism Spectrum Disorder and ADHD – Combined Presentation, as confirmed in [the student’s] reevaluation on 05/14/2025. Despite this, the IEP continues to classify [the student] only as Developmentally Delayed, with no autism-specific or ADHD-specific goals, accommodations, or service models. There is no documented IEP team discussion or reevaluation consideration regarding eligibility under Autism...”

District Position

The district response dated June 25, 2025 states, “It should be noted that upon knowledge of the ADHD and ASD diagnoses and ongoing observed behavior concerns, the IEP team conducted a re-evaluation in the area of social/emotional and subsequently completed an

amendment to the IEP in May 2025. The amendment acknowledges the diagnoses, and added additional services in the area of social work. A social/emotional goal was added during the annual IEP in March 2025”.

Analysis: Findings of Fact

The following finding of facts is based upon a review of the documentation noted previously and interviews with all parties. The findings of previous issues are incorporated herein by reference.

1. An October 11, 2024 independent social/emotional evaluation report for the student reflects new diagnoses of ASD and ADHD, combined presentation.
2. The independent social/emotional evaluation was initiated by the mother.
3. The March 14, 2025 IEP includes evidence that the team responded to the student’s difficulties in transitioning between activities by including a new IEP goal, “By March 13, 2026, when given a verbal prompt to initiate a familiar routine activity, [the student] will get the correct supplies (e.g. paper, pencil, markers) and begin the activity within (30) seconds for (4 out of 5) activities”.
4. The March 14, 2025 IEP includes two new accommodations (in italics) for social/emotional needs:
 - a. access to a choice of learned calm-down strategies
 - b. FIRST/THEN statements and/or visuals
 - c. social stories and visuals for new and un-preferred activities
 - d. verbal praise paired with reinforcement
 - e. verbal redirections during classroom and therapy activities
5. The March 14, 2025 IEP also notes that the student was currently under evaluation for possible social work services and on a waitlist for ABA therapy.
6. The March 14, 2025 PWN does not include the independent evaluation results as a consideration for a change in services. There is no evidence in the March 14, 2025 IEP that the independent evaluation results were reviewed or considered.
7. The May 14, 2025 district’s reevaluation report notes the new diagnoses of ASD and ADHD from the October 11, 2024 independent evaluation as well as the addition of a social work support to develop self-regulation skills and strategies when [the student] feels overwhelmed or frustrated.
8. The May 14, 2025 amended IEP present levels section notes, “[The student] is diagnosed with Autism Spectrum Disorder and Attention Deficit Hyperactivity Disorder (ADHD), combined presentation, from independent evaluation in October 2024. [The student] is currently on a waiting list for ABA therapy services with [outside evaluator] and [outside service provider]”.
9. In the June 23, 2025 phone call with the special education coordinator she said, “the district isn’t aware of the October, 2024 independent evaluation, nor is the

classroom teacher". She also shared that the report was not in their IEP documents management system.

10. In the June 30, 2025 interview with the special education teacher, she reported hearing that an independent evaluation had been conducted but could not specifically remember if the mother shared this news directly, or through the school secretary. The teacher stated, "Our parent/teacher conferences happened October 16 and 17, [2024], [the mother] may have told me then or may have told the secretary who relayed the message. The mother told us it had happened but I didn't see the report until the May [2025] IEP amendment meeting." During the interview the special education teacher checked her emails to see if perhaps the mother had emailed the report but found no correspondence related to the independent evaluation. The special education teacher added that if the mother would have handed her the evaluation report she would have immediately uploaded it into the IEP document management system.
11. In the June 30, 2025 interview with the special education teacher, when asked about the new diagnoses found by the October 11, 2024 independent evaluation, "What we were doing in the special education classroom was addressing ASD and ADHD behaviors. The diagnosis wouldn't have changed what I had in place for [the student]. The needs are displayed without the diagnosis".
12. In the June 30, 2025 interview with the special education teacher, when asked why the district reevaluation was initiated in the spring of 2025 she replied, "I had concerns about [the student] transitioning into the building. We had handled it, but worried that there would be a backslide in kindergarten".
13. When the special education coordinator was asked in the June 30, 2025 interview why the district conducted a reevaluation she shared that the team was, "seeing some behaviors and social emotional concerns".
14. In an email exchange with the special education coordinator on July 1, 2025 when asked when the district received the independent evaluation report she shared, "I spoke with [the social worker]. She recalls having received the report from [the special education teacher] sometime around December/January. This occurred in person and we do not have an email record of it. [The social worker] then included [the independent evaluation] in her re-evaluation conducted in the Spring". When the special education coordinator was asked if the social worker had any documentation of sharing the report results with the IEP team anytime prior to the May IEP amendment meeting, she replied, "[The social worker] said she received it from [the special education teacher] so the case manager already had it. [The social worker] does not have an email record of anything about the report. It may have been discussed in person between team members".

Conclusion

Federal regulations at 300.324(b)(ii)(B) state that in the public agency must (ii) Revise the IEP, as appropriate, to address (B) The results of any reevaluation conducted under §300.303;

Additionally, 34 CFR § 300.502(c)(1) addresses how districts should consider Independent educational evaluation. "(c) Parent-initiated evaluations. If the parent obtains an independent educational evaluation at public expense or shares with the public agency an evaluation obtained at private expense, the results of the evaluation—(1) Must be considered by the public agency, if it meets agency criteria, in any decision made with respect to the provision of FAPE to the child;"

In this case, the independent evaluation report is dated October 11, 2024 and notes two new diagnoses. There is no evidence that the report results were acknowledged or considered by the IEP team prior to, or at, the student's March 26, 2024 IEP meeting as evidenced by a PWN or comment in the IEP minutes. IDEA requires that independent evaluations at least be considered by the IEP team. As noted in the district's response, they did acknowledge the independent evaluation in the May 14, 2025 IEP amendment however, this was months after they received the report in December, 2024 or January, 2025.

There is evidence that the district responded to the student's difficulty in transitioning from one activity or location to another, however, there is no evidence that the IEP team reviewed the results of the independent evaluation until the May 14, 2025 reevaluation/IEP amendment meeting. Additionally, neither the special education coordinator nor special education teacher cite the new diagnoses as impetus for the district's reevaluation in the spring of 2025.

The district is not clear as to when the report was received or even who received it, and has no evidence that anyone other than the social worker was aware of the report's new diagnoses prior to the May 14, 2025 meeting.

Based on the foregoing, it is found that the IEP team did not acknowledge or consider the results of the October 2024 evaluation prior to, or at, the March 14, 2025 IEP team meeting. The district is *OUT of compliance* and corrective actions are required.

Issue Three

Did USD #204 fail to include a description of the child's progress towards the annual IEP goals in progress reports or the report card?

Applicable Law

Federal regulations at 300.320(a)(2)(i) and (3)(i) state that the IEP must include measurable goals and descriptions of the child's progress toward meeting these annual goals. Additionally, the Kansas Special Education Process Handbook states, "Once the IEP team has developed measurable annual goals for a child, the team must include a description of how the child's progress toward meeting the annual goals will be measured. This measure of progress will enable parents, children, and educators to monitor progress during the year, and, if appropriate, to revise the IEP to be consistent with the child's instructional needs. (p. 79)

Parent Position

The parent complaint states, June 16, 2025 email, "Several progress benchmarks are marked simply as "MPG" ("Making Progress") without quantifiable data. For example, behavior regulation benchmarks are tracked with no baseline measures or objective metrics, making true progress impossible to validate".

District Position

The district response dated June 25, 2025 states, "[The district] denies this allegation. Student's progress towards IEP goals were included in the quarterly progress reports..."

Analysis: Findings of Fact

The following finding of facts is based upon a review of the documentation noted previously and interviews with all parties. The findings of previous issues are incorporated herein by reference.

1. Baseline for the IEP goals are included in the IEP document. For example, the baseline for the social/emotional goal in the May 14, 2025 IEP amendment reads, "Currently, [the student] can take up to 5 minutes to both enter the classroom upon arrival, and before beginning [their] daily work routines."
2. The quarterly progress reports include acronyms such as NMP (not making progress) and MPG (making progress) as quarterly data.
3. A review of all progress reports since the first quarter of the 2024-2025 school year reflect the use of quantifiable data in the goals, benchmarks and description of progress. For example:
 - a. The social/emotional goal for the fourth quarter of 2025 states, "By March 13, 2026, when given a verbal prompt to initiate a familiar routine activity, [the student] will get the correct supplies (e.g. paper, pencil, markers) and begin the activity within (30) seconds for (4 out of 5) activities.
 - b. The benchmark for that same quarter states, "By the end of quarter 4, May 2025, when given a verbal prompt to initiate a familiar routine activity, [the student] will get the correct supplies (e.g. paper, pencil, markers) and begin the activity within 3 minutes for (1 out of 5) activities.
 - c. The description of progress states, "[The student] is able to initiate a familiar routine activity within 3 minutes, at least one time, in the 5 observed data collection days once [they are] in the classroom. [The student] still struggles to enter the classroom approximately once per week".

Conclusion

IDEA requires that the IEP must include measurable goals and descriptions of the child's progress toward meeting these annual goals.

The parent's concern was that there were no baseline measures nor quantifiable data and that the use of acronyms to report progress were not specific enough to understand how the student was progressing.

In this case, there is quantifiable data in the baselines stated in the IEP, and the goals, benchmarks and description of progress, also include quantifiable data in addition to the use of acronyms.

Based on the foregoing, it is found that the district did include quantifiable data in the baseline, goals and description of progress for the IEP goals. The district is *IN compliance* and corrective actions are not required.

Issue Four

Did USD #204 fail to implement the student's IEP specifically related to the student's behavioral supports?

Applicable Law

Federal regulations at 34 C.F.R. §300.323(c)(2) requires school districts to ensure that as soon as possible following the development of the IEP, special education and related services are made available to the child in accordance with the child's IEP. K.A.R. §91-40-16(b)(2) further specifies those services for which written consent has been granted as specified by law are implemented not later than 10 school days after parental consent is granted unless reasonable justification for a delay can be shown.

Parent Position

The father cites concerns that the student was not provided with the required social/emotional support as evidenced by information included in the May 14, 2025 reevaluation report. The report shares that, "[The student] was observed one morning in February, struggling to come into the school from parent drop off. [The student began hiding [their] face and crying in the corner of the school entrance indoors. When [the student] was greeted by a Preschool teacher, [the student] ignored. Teachers were trying multiple ways creatively to help [the student] transition to the classroom. After 7-10 minutes, [the student] was able to transition into the classroom and put [their] bookbag and belongings away".

District Position

The district response dated April 24, 2025 states, "[The district] denies this allegation. In the March 2025 annual IEP, a social/emotional/behavioral goal was added into the IEP. [The student] has several accommodations as well that address this area. In May 2025, the social/emotional re-evaluation was conducted and the IEP was amended to add social work as a related service".

Analysis: Findings of Fact

The following finding of facts is based upon a review of the documentation noted previously and interviews with all parties. The findings of previous issues are incorporated herein by reference.

1. The May 15, 2025 reevaluation notes an incident of the student struggling to transition to the classroom in February 2025.
2. The March 2024 IEP was the plan in place when the February 2025 noted incident occurred. The March 2024 IEP does not include a social/emotional goal but does include accommodations including:
 - a. FIRST/THEN statements and/or visuals
 - b. social stories and visuals for new and un-preferred activities
 - c. verbal praise paired with reinforcement
3. There is no evidence in the description of the incident in February 2025 that accommodations were not followed.
4. The March 14, 2025 IEP team added a social/emotional goal to support the student's transition skills: "By March 13, 2026, when given a verbal prompt to initiate a familiar routine activity, [the student] will get the correct supplies (e.g. paper, pencil, markers) and begin the activity within (30) seconds for (4 out of 5) activities".
5. In the June 30, 2025 teacher interview, the teacher shared multiple examples of how she regularly implemented the student's accommodations noted in the March 26, 2024 IEP, some of which are also noted in the teacher's lesson plans.
6. The special education coordinator shared in a July 2, 2025 email that consent for the district's reevaluation was obtained from the mother on March 13, 2025.
7. The March 14, 2025 IEP team also noted that, [the student] is currently under evaluation for possible Social Work services.
8. The March 14, 2025 IEP includes two new accommodations (in italics) for social/emotional needs:
 1. f. access to a choice of learned calm-down strategies
 2. g. FIRST/THEN statements and/or visuals
 3. h. social stories and visuals for new and un-preferred activities
 - i. verbal praise paired with reinforcement
 4. j. verbal redirections during classroom and therapy activities
9. The May 14, 2025 IEP team amended the IEP to include social work services of 20 minutes, 1 day per week to support the March 14, 2024 IEP social/emotional goal: "Social Worker will help support this goal to develop self-regulation skills and strategies when [the student] feels overwhelmed or frustrated".

Conclusion

In February 2025 when teachers observed the student's struggle to transition to the classroom, there were only three social/emotional related accommodations in the IEP, and no social/emotional IEP goals. Soon after, the district obtained consent from the mother on March 13, 2025 for the reevaluation and during the March 14, 2025 IEP meeting, the team added two new accommodations to support the student's social/emotional behavior, a social/emotional goal and noted that, [the student] was currently under evaluation for possible Social Work services. The May 2025 IEP amendment includes social work services to support the student's social/emotional needs

The father's concerns that his child's social/emotional needs be met are certainly understandable and it can be distressing to read about one's child struggling. It is suggested that both the district and parents should monitor the student's behaviors as the student adjusts to kindergarten in the fall. If the student continues to find transitioning from one activity to the next difficult, it is appropriate for the father to request further information in the form of a Functional Behavioral Assessment (FBA) to specifically determine what is maintaining the student's behaviors and how to best address these behaviors in light of the student's ASD and ADHD diagnoses.

In this case, there is evidence that the district implemented the social/emotional accommodations during the 2024-2025 IEP year as well as responded appropriately to meet the student's needs with the addition of accommodations, a social/emotional IEP goal and social work services throughout the spring of 2025.

Based on the foregoing, it is found that the district is *IN compliance* and corrective actions are not required.

Summary of Conclusions/Corrective Action

1. ISSUE ONE: A violation of K.A.R. 91-40-25 was found based on the lack of parent notification for IEP related actions. Corrective actions are required.
 - a. The district shall immediately, within 21 school days, by August 11, 2025, submit a written statement of assurance to Special Education and Title Services (SETS) stating that it will comply with state statutes and regulations at K.A.R. 91-40-25 which dictate parent notification and participation in the IEP process.
 - b. A district administrator shall immediately, by August 21, 2025 contact the father to ensure he has all of his child's IEP related documents as well as the Parent's Rights Notice, Procedural Safeguards and missed PWNs.
 - c. The district shall engage an outside provider and training materials, both approved by SETS to conduct training for all preschool staff and

administrators on the school/district obligation to contact parents for IEP related issues. This training shall include:

- i. distinctions between parent notification and parent consent
- ii. parent participation that addresses non-traditional families such as parents who don't live in the same home.

This training shall be completed by October 1, 2025.

- d. The district shall submit documentation of all IEP related documents shared with the father and required staff training to Special Education and Title Services (SETS), by October 15, 2025.
2. ISSUE TWO: A violation of 34 C.F.R.300.324(b)(ii)(B) and 34 C.F.R.300.502(c)(1) was found based on the lack of district review of independent evaluation results prior to, or, at the March 14, 2025 IEP.
- a. The district shall immediately, within 21 school days, by August 11, 2025 submit a written statement of assurance to Special Education and Title Services (SETS) stating that it will comply with state and federal regulations and statutes at 34 C.F.R. 300.324(b)(ii)(B) and 34 C.F.R.300.502(c)(1) which requires the district to consider the results of independent evaluations.
 - b. The district shall review any policies and procedures for the handling of independent IEP evaluation to determine if the issue in this case was due to the lack of written guidance or human error. If the issue is found to be policy or procedural related, corrections will be made to these by September 30, 2025.
 - c. The district shall engage an outside provider and training materials, both approved by SETS to conduct training for all preschool staff and administrators on the district's obligation for addressing independent IEP evaluations as stated in 34 C.F.R. 300.324(b)(ii)(B) and C.F.R.300.502(c)(1) by September 30, 2025.
 - d. The district shall submit documentation of the policy and procedural review noted above and of staff training to Special Education and Title Services (SETS), by October 15, 2025.
3. ISSUE THREE: A violation of 300.320(a)(2)(i) and (3)(i) and was not found based on the IEP's inclusion of measurable goals and descriptions of the child's progress toward meeting these annual goals. Corrective action is not required.
4. ISSUE FOUR: A violation of 34 C.F.R. §300.323(c)(2) and K.A.R. §91-40-16(b)(2) was found not based on the district's implementation of the student's social/emotional accommodations. Corrective action is not required.

Right to Appeal

Either party may appeal the findings or conclusions in this report by filing a written notice of appeal with the State Commissioner of Education, ATTN: Special Education and Title Services, Landon State Office Building, 900 SW Jackson Street, Suite 620, Topeka, KS 66612-1212. The notice of appeal may also be filed by email to formalcomplaints@ksde.gov. The notice of appeal must be delivered within 10 calendar days from the date of this report.

For further description of the appeals process, see Kansas Administrative Regulations 91-40-51(f).

K.A.R. 91-40-51(f) Appeals.

(1) Any agency or complainant may appeal any of the findings or conclusions of a compliance report prepared by the special education section of the department by filing a written notice of appeal with the state commissioner of education. Each notice shall be filed within 10 days from the date of the report. Each notice shall provide a detailed statement of the basis for alleging that the report is incorrect.

Upon receiving an appeal, an appeal committee of at least three department of education members shall be appointed by the commissioner to review the report and to consider the information provided by the local education agency, the complainant, or others. The appeal process, including any hearing conducted by the appeal committee, shall be completed within 15 days from the date of receipt of the notice of appeal, and a decision shall be rendered within five days after the appeal process is completed unless the appeal committee determines that exceptional circumstances exist with respect to the particular complaint. In this event, the decision shall be rendered as soon as possible by the appeal committee.

(2) If an appeal committee affirms a compliance report that requires corrective action by an agency, that agency shall initiate the required corrective action immediately. If, after five days, no required corrective action has been initiated, the agency shall be notified of the action that will be taken to assure compliance as determined by the department. This action may include any of the following:

- (A) The issuance of an accreditation deficiency advisement;
- (B) the withholding of state or federal funds otherwise available to the agency;
- (C) the award of monetary reimbursement to the complainant; or
- (D) any combination of the actions specified in paragraph (f)(2)